

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

RACHEL MEREDITH, BENJAMIN  
DEMPSEY, ASHLEY NELSON, MIA  
LAUDER, AND IVONNE ARRIOLA  
MENDIETA, Individually and on Behalf of All  
Others Similarly Situated,

Plaintiffs,

v.

REALPAGE, INC.; GREYSTAR REAL  
ESTATE PARTNERS, LLC; BH  
MANAGEMENT SERVICES, LLC; CAMPUS  
ADVANTAGE, INC.; CARDINAL GROUP  
HOLDINGS LLC; CA VENTURES GLOBAL  
SERVICES, LLC; D.P. PREISS COMPANY,  
INC.; UNIVERSITY HOUSE COMMUNITIES  
LLC; CARMEL PARTNERS LLC;  
TIMBERLINE REAL ESTATE VENTURES  
LLC; B.HOM STUDENT LIVING LCC;  
JOHN DOES 1-10,

Defendants.

Case No. 3:23-md-3071

MDL No. 3071

Judge Waverly D. Crenshaw, Jr.

This document relates to:

*Navarro v. RealPage, Inc., et al.*,

No. 3:23-cv-00329

**STUDENT PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL OF  
STUDENT PLAINTIFFS' AMENDED COMPLAINT**

On June 28, 2023, Defendants notified Plaintiffs for the first time that they intend to argue that this Court lacks jurisdiction over the Student Housing Consolidated Amended Complaint filed on June 16, 2023. DE 290. The basis for Defendants' argument is that the newly named Plaintiffs (Rachel Meredith, Benjamin Dempsey, Ashley Nelson, Mia Lauder, and Ivonne Arriola) did not bring claims in transferor district courts that were transferred to the MDL court.<sup>1</sup> Defendants' position is that the MDL court has jurisdiction only over cases that were originally initiated in district court and transferred to the MDL court.

The parties met and conferred on June 29 and June 30, 2023. On June 30, Plaintiffs proposed that the parties stipulate to the existence of an issue related to subject matter jurisdiction, which would be resolved by filing cases on behalf of the newly named Plaintiffs in district courts that would then be transferred to MDL court. This stipulation would allow briefing on all other arguments Defendants intend to raise related to the Student Housing Consolidated Complaint on the briefing schedule previously set by the Court. *See* DE 298. Defendants declined to agree to this proposal.

Because of the lack of agreement for resolution, and in order to resolve this subject matter jurisdiction issue, Plaintiffs will: 1) voluntarily dismiss the Student Housing Consolidated Complaint (DE 290); 2) file complaints in district courts on behalf of the Plaintiffs named in the Student Housing Consolidated Complaint, which will then be transferred to this Court; and 3) seek to file an Amended Student Housing Consolidated Complaint materially identical to the one now before the Court (DE 290).

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<sup>1</sup> Specifically, Defendants argue that the Student Housing Consolidated Complaint removes Gabriel Navarro, the named plaintiff in *Navarro* – the only original student action – and improperly substitutes new plaintiffs.

Therefore, Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiffs voluntarily dismiss the Student Housing Consolidated Complaint (DE 290) without prejudice.

DATED this 3rd day of July, 2023.

Respectfully submitted,

/s/ Steve W. Berman

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*Plaintiffs' Steering Committee Counsel for  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on July 3, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

DATED this 3rd day of July, 2023.

/s/ Steve W. Berman  
Steve W. Berman